

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IRON WORKERS DISTRICT COUNCIL OF
NEW ENGLAND PENSION FUND and
STATE-BOSTON RETIREMENT SYSTEM,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

NII HOLDINGS, INC., NII CAPITAL CORP.,
STEVEN M. SHINDLER, STEVEN P.
DUSSEK, GOKUL HEMMADY, TERESA S.
GENDRON, DANIEL E. FREIMAN,
DONALD NEFF, KEVIN L. BEEBE,
RAYMOND P. DOLAN, DONALD
GUTHRIE, CHARLES M. HERINGTON,
CAROLYN KATZ, ROSENDO G. PARRA,
JOHN W. RISNER, JUAN R. FIGUEROA,
GARY D. BEGEMAN, GOLDMAN, SACHS
& CO., CREDIT SUISSE SECURITIES
(USA) LLC, DEUTSCHE BANK
SECURITIES INC., J.P. MORGAN
SECURITIES LLC, MORGAN STANLEY &
CO. LLC, CITIGROUP GLOBAL
MARKETS INC., and HSBC SECURITIES
(USA) INC.,

Defendants.

Civ. A. No. 1:14-cv-00227-LMB-JFA

**ORDER FOR APPOINTMENT OF LEAD PLAINTIFF
AND APPROVAL OF SELECTION OF COUNSEL**

Having considered the motion of Danica Pension, Livsforsikringsaktieselskab, Industriens Pensionsforsikring A/S, the Local 58/NECA Funds (composed of the Electrical Workers Pension Trust Fund of Local Union #58, I.B.E.W., Detroit, Michigan, the I.B.E.W. Local No. 58 Annuity Fund, the Electrical Workers' Insurance Fund, and the International Brotherhood of Electrical Workers Local Union No. 58 Sound and Communications Division Pension Fund), the Pension Trust Fund for Operating Engineers Pension Plan, and Jacksonville Police and Fire Pension Fund (collectively, the "Institutional Investor Group") for appointment as Lead Plaintiff and approval of selection of counsel for the Class,

IT IS HEREBY ORDERED THAT:

I. The Institutional Investor Group's motion for appointed as Lead Plaintiff (ECF No. 3) is GRANTED.

II. The competing motion of the Global Investor Group (ECF No. 2) has been withdrawn (ECF Nos. 34, 35) and is DENIED AS MOOT.

III. This Order (the "Order") shall apply to the above-captioned action (the "Action") and to each case that relates to the same subject matter that is subsequently filed in this Court or is

IV. Every pleading in the Action shall have the following caption:

IN RE NII HOLDINGS, INC. SECURITIES LITIGATION

Case No. 14-cv-00227

V. The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that may properly be consolidated as part of the Action.

VI. When a case that arises out of the same subject matter as the Action is hereinafter filed in this Court or transferred from another court, the Clerk of this Court shall:


- A. File a copy of this Order in the separate file for such action;
- B. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case, and to any new defendant(s) in the newly-filed case; and
- C. Make the appropriate entry in the Master Docket for the Action.

VII. Each new case that arises out of the subject matter of the Action shall be consolidated with the Action. This Order shall apply thereto, unless a party objects to consolidation (as provided for herein), or to any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party by filing an application for relief, and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of Defendants' right to object to the consolidation of any subsequently-filed or transferred related action.

VIII. The Institutional Investor Group is appointed to serve as Lead Plaintiff in the Action pursuant to 15 U.S.C. § 77z-1(a)(3)(B) and 15 U.S.C. § 78u-4(a)(3)(B).

IX. The Institutional Investor Group's selection of Labaton Sucharow LLP and Kessler Topaz Meltzer & Check, LLP as Lead Counsel for the Class is approved pursuant to 15 U.S.C. § 77z-1(a)(3)(B)(v) and 15 U.S.C. § 78u-4(a)(3)(B)(v). Lead Counsel shall have the authority to speak for all Plaintiffs and Class members in all matters regarding the litigation, including, but not limited to, pretrial proceedings, motion practice, trial, and settlement. Lead Counsel shall make all work assignments in such a manner as to facilitate the orderly and efficient prosecution of this litigation, and to avoid duplicative or unproductive effort. Additionally, Lead Counsel shall have the following responsibilities:

- A. to brief and argue motions;
 - B. to initiate and conduct discovery, including, but not limited to, coordination of discovery with Defendants' counsel, and the preparation of written interrogatories, requests for admissions, and requests for production of documents;
 - C. to direct and coordinate the examination of witnesses in depositions;
 - D. to act as spokesperson at pretrial conferences;
 - E. to call and chair meetings of Plaintiffs' counsel as appropriate or necessary from time to time;
 - F. to initiate and conduct any settlement negotiations with Defendants' counsel;
 - G. to provide general coordination of the activities of Plaintiffs' counsel and to delegate work responsibilities to selected counsel as may be required, in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;
 - H. to consult with and employ experts;
 - I. to receive and review periodic time reports of all attorneys on behalf of Plaintiffs, to determine if the time is being spent appropriately and for the benefit of Plaintiffs, and to determine and distribute Plaintiffs' attorneys' fees; and
 - J. to perform such other duties as may be expressly authorized by further order of this Court.
- X. The Institutional Investor Group's selection of Susan R. Podolsky, Esq. as Local Counsel is approved.

So Ordered
/s/ 

Leonie M. Brinkema
United States District Judge

June 10, 2014